



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Brian Arthur Cavill

Examiner: Tran, Hoang Q.

Serial No. 10/535,405

Group Art Unit: 2874

Filed : May 18, 2005

Docket No.: 15430.0001

For: PROTECTIVE DEVICE

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Applicants request review of the rejections in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

A petition for a one-month extension of time is submitted herewith.

The review is requested for the following remarks.

Claims 1 and 4-10 are pending.

***Rejection of claims under 35. U.S.C. §102***

The Examiner has maintained the rejection of claims 1-7 and 9-10 under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 6,431,216 to Briscoe ("Briscoe"). See Office Action at p. 2-4. Claims 4-7 and 9 are dependent on claim 1. Claims 2 and 3 have been previously cancelled (see Reply to Office Action filed June 7, 2006) thus rendering this rejection moot with respect to these claims.

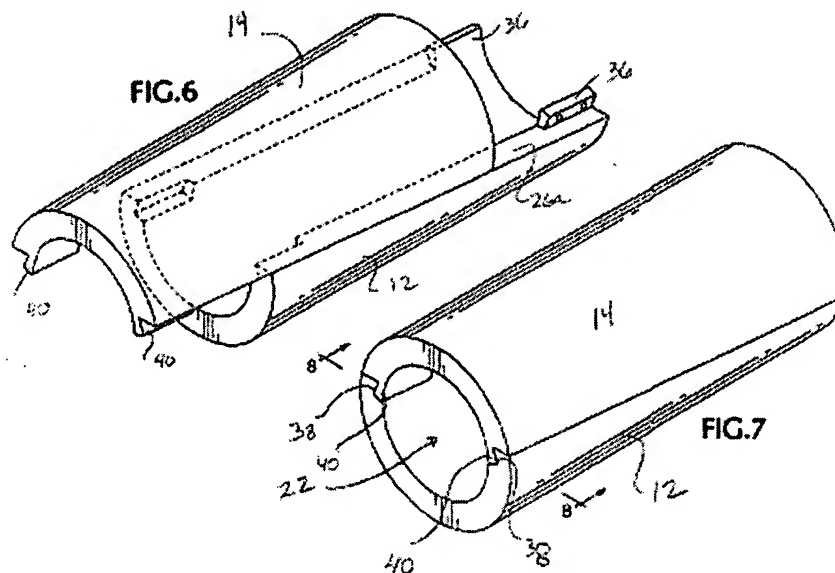
The Examiner contends that Briscoe "teaches a protective device for use in the protection of at least a portion of an elongated article (Fig 1), the protective device including a main body, first and second parts which connect[] together such that (Fig 8), ... the first and second parts each having two longitudinal extending side edge portions ...." See Office Action at p. 3. The Examiner further asserts that Briscoe "clearly shows two side portions extending parallel with the longitudinal axis in Figure 3." See Advisory Action at p. 2.

FIG. 2 is a cross-sectional view of the device along line 4-4 of FIG. 1. It shows a rectangular block 12 with a horizontal dashed line 14 passing through its center. A vertical dashed line 30 is located on the right side of the block.

FIG. 3 is a cross-sectional view of the device along line 4-4 of FIG. 1. It shows a cylindrical component 13 with a horizontal dashed line 14 passing through its center. A vertical dashed line 30 is located on the right side of the component. The component 13 is shown in two parts, 13a and 13b, which are joined by a horizontal dashed line 14. The component 13a is on the left and has a small rectangular feature 35 on its side. The component 13b is on the right and has a small rectangular feature 36 on its side. The component 13 is shown in a perspective view, with the front face 12 and the side face 13. The front face 12 has a horizontal dashed line 14 and a vertical dashed line 30. The side face 13 has a horizontal dashed line 14 and a vertical dashed line 30. The component 13 is shown in a perspective view, with the front face 12 and the side face 13. The front face 12 has a horizontal dashed line 14 and a vertical dashed line 30. The side face 13 has a horizontal dashed line 14 and a vertical dashed line 30.

Furthermore, Briscoe does not describe a protection device wherein the first and second parts are partially circular when viewed in cross-section, the first part including a major segment

See claim 1. As illustrated in Figs. 6 and 7 of Briscoe below, the recessed section does not extend from one end to the other for receiving the side edge portion of the other part.



***Rejection of claim under 35. U.S.C. §103***

As previously explained, Briscoe does not teach or suggest a protection device described in claim 1. Muller does not remedy this defect in Briscoe. Muller describes “[a] universal cable fitting for a wide variety of applications includes a longitudinally slit sleeve tube (MR) and sealing bodies (DKG, DK, DKDP, DKS, DKO) on the ends of the sleeve tube.” See Abstract.

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Mueller does not describe a protection device that includes a main body, first and second parts which are connectible together such that, in an assembled position the main body has a chamber therein, with opposed ends and a central longitudinal axis extending between the opposed ends, the first and second parts each having two longitudinal extending side edge portions which extend generally parallel with the longitudinal axis. See claim 1. Muller further does not describe a protection device wherein the first and second parts are partially circular when viewed in cross-section, the first part including a major segment of a circle and the second part forming a minor segment of a circle, and the side edge portions of the first or second part includes a recessed section which substantially extends from one end thereof to the other for receiving the side edge portion of the other part. See claim 1.

None of the above-cited references, alone or in combination, teach or suggest the protective device described in claim 1. Since claim 8 depends on claim 1, it is allowable over Briscoe and Muller for at least the reasons described above. Applicant respectfully requests reconsideration and withdrawal of this rejection.

### CONCLUSION

In light of the foregoing remarks, Applicant respectfully contends that all conditions of patentability are met. Allowance of the claims is therefore respectfully solicited.

The Director is authorized to charge any fees required by the present Request to Deposit Account 19-4293.

Respectfully submitted,

Date: 12-18-06



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